

## AMENDMENTS TO ARTICLE 6

- Section 6-400 Administration
- Section 6-700 Site Plan
- Section 6-1216 Minor Rezoning
- Section 6-2000 Conservation Design

ATTACHMENT 15

A-410

**Division B: Administration and  
Enforcement of Ordinance and Notice of Public Hearings**

**Section 6-400**

**Administration.**

**6-401**

**Zoning Administrator.** It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the terms, purposes, intent and spirit of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields. Specifically, his duties and powers shall include:

- (A) To receive and/or review:
  - (1) Applications for variances.
  - (2) Notices of appeal to the BZA.
  - (3) Applications for certificates of occupancy.
  - (4) Applications for zoning permits.
  - (5) All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.
- (B) To issue zoning permits where the requirements of this Ordinance have been met.
- (C) To issue interpretations of this Ordinance upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty (30) day appeal period. In administering this Ordinance and rendering determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator shall have the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it should be allowed as if expressly permitted or allowed by special exception. Such interpretations shall include notification of appeal procedures and timelines.
- (D) To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.

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- (E) To maintain accurate records of proffered conditions as required by Section 6-1209 of this Ordinance.
  - (F) To enforce the provisions of this ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission and Board of Supervisors were made.
  - (G) To perform such other duties and functions as may be required by this Ordinance and the Board of Supervisors.
  - (H) To maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation district as required by Section 6-1808.
  - (I) To maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements adopted by Board of Supervisors resolution.
  - (J) To maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.

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**6-402**

**Fees.** The County Administrator shall recommend and the Board of Supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this Ordinance. Application fees are hereby waived for the following:

- (A) Applications for a requested amendment from any district to an Historic Overlay district.
- (B) Applications for requested amendment from any district to an AR-2 district.
- (C) Applications for amendment, special exception, or commission permit sought by the following governmental agencies:
  - (1) Loudoun County School Board.
  - (2) Loudoun County Sanitation Authority.
  - (3) Fire and rescue companies serving Loudoun County.
  - (4) Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

6-403

(A) **Submission Requirements.** The Board of Supervisors shall adopt by resolution regulations enumerating those materials required to be included with each application provided for in this Ordinance, which materials shall constitute the minimum submission requirements for such application and be consistent with the requirements of this Ordinance. Such submission requirements shall include a letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued. Such submission requirements shall also include, in the case of any application for a Zoning Map Amendment, Zoning Ordinance Modification, Zoning Concept Plan Amendment, Special Exception, Variance, Site Plan or Zoning Permit, the provision of satisfactory evidence from the Treasurer's Office that any real estate taxes due and owed to the County which have been properly assessed against the property have been paid. Additionally, such submission requirements shall also include, in the case of an application for Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception or Variance, a completed Disclosure of Real Parties In Interest Form disclosing the equitable ownership of the real estate to be affected. Revisions to the list of those materials required necessitated by an amendment to this Ordinance shall be attached to such amendment for concurrent consideration and adoption by resolution of the Board of Supervisors.

(B) **Rezoning Plat.** If the application is a reclassification to a non-planned development district, a rezoning plat shall be required.

6-404

**Speakers at Public Hearings.** All witnesses and speakers presenting facts and evidence at any public hearing shall provide their name and address and affiliation, if any, for the record. At the discretion of the person presiding over the hearing, witnesses or speakers may be required to give oath or affirmation regarding the truth of their statements.

6-405

**Inactive Applications.** Any Zoning Map Amendment application, Zoning Modification application, or Concept Plan Amendment application officially accepted by the County for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of twelve months or any Special Exception application officially accepted by the County for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months shall be deemed inactive.

1 An application may remain inactive for up to three (3) years at the end of which  
2 period it will be processed to a final decision. If an applicant wishes to reactivate  
3 their application prior to the end of this three (3) year period, they must notify the  
4 County in writing of their intent to proceed with their application, grant the County  
5 an appropriate timeline extension and pay a reactivation fee as established by the  
6 Board of Supervisors.

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8 **6-406**

**Full Disclosure of Development Plans.** Prior to the execution of an offer to buy a  
new home, sellers of new homes, or their agents, shall provide to home buyers  
access to current copies of the following:

- 11  
12 (A) Approved subdivision record plat;
- 13  
14 (B) All development plans approved for the property as part of a Zoning Map  
15 Amendment, Zoning Concept Plan Amendment, Zoning Ordinance  
16 Modification, or Special Exception;
- 17  
18 (C) All proffered conditions accepted by the Board of Supervisors as part of  
19 the zoning approval for the development; and
- 20  
21 (D) The applicable Comprehensive Plan for the area of the County.

22 Such documents shall be located on the site of the property encompassed by the  
23 subdivision, plat, or development in which the property for sale is located, or at an  
24 office in its immediate vicinity. The sellers of the new home, or their agents, shall  
25 notify the prospective home buyers of the location of these documents and provide  
26 a reasonable opportunity for such prospective buyers to inspect these documents.  
27 Prospective home buyers shall sign a statement stating that they have reviewed or  
28 have been offered the opportunity to review these documents. Said statements shall  
29 be kept on file with the builder for a period of three years.

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32 **6-407**

**Map Interpretations and Boundary Determination.**

- 33 (A) The environmental overlay districts and steep slope maps are intended to  
34 show the location of environmental resources in the County, including  
35 the following:
- 36 (1) Mountainside Development Overlay District (MDOD) Map,  
37 described in Section 4-1600;
- 38 ~~(2) Limestone Conglomerate Overlay District (LOD) Map, described~~  
39 ~~in Section 4-1900;~~
- 40 (3) ~~River and Stream Corridor Overlay District (RSCOD) Map,~~  
41 ~~described in Section 4-2000;~~ Floodplain Overlay District;  
42 described in Section 4-1500; and

- 1 (4) Loudoun County Steep Slopes Map, described in Section 5-1508.

2 The Zoning Administrator, in consultation with the Department  
3 of Building and Development, is charged with making necessary  
4 cartographic interpretations of those maps at the request of the  
5 applicant or on his/her own initiative. The Zoning Administrator  
6 is authorized to interpret the exact location of the boundaries if  
7 there appears to be a conflict between the mapped resource  
8 boundary, elevations, and actual physical conditions. The Zoning  
9 Administrator may require information from the applicant,  
10 including, but not limited to a topographic survey and/or  
11 engineering studies in conformance with the provisions of the  
12 Facilities Standards Manual.

- 13 (B) The applicant may appeal interpretations to the Board of Zoning Appeals  
14 in accordance with the provisions of Section 6-1700, "Appeals," of the  
15 Zoning Ordinance.

16 ~~6-408~~ **Modifications.**

- 17 (A) ~~Intent and Purpose.~~ A modification is intended to promote  
18 conservation design and protection of primary conservation areas and  
19 steep slopes by allowing the applicant to seek minor adjustments in  
20 applicable environmental standards to preserve the maximum amount of  
21 most significant resources. Applicants may only apply for modifications  
22 from the following environmental standards:

23 (1) ~~Mountainside Development Overlay District (MDOD), Section~~  
24 ~~4-1600;~~

25 (2) ~~Limestone Conglomerate Overlay District (LOD), Section 4-~~  
26 ~~1900;~~

27 (3) ~~River and Stream Corridor Overlay District (RSCOD), Section 4-~~  
28 ~~2000;~~

29 (4) ~~Steep Slope Standards, Section 5-1508; and~~

30 (5) ~~Conservation Design, Section 6-2000.~~

- 31 (B) ~~Limits on Scope of Modifications.~~ Only modifications from  
32 dimensional standards (e.g., setbacks, height, distances) may be granted.  
33 No modification shall alter the required dimensional standards by more  
34 than ten percent (10%) for the purpose of promoting overall compliance  
35 with environmental protection standards.

- 36 (C) ~~Review Criteria.~~ The applicant shall submit documentation with  
37 evidence that the modification meets the following criteria:



**Section 6-700 Site Plan Review.**

**6-701 Site Plan Required.**

Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1, AR-2, RR-1 and RR-2 Districts, including all permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category, but not including basic agricultural, horticulture, and animal husbandry permitted uses.
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, and accessory uses and structures allowed under Section 5-101.
- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.



1     **6-702**

**Site Plan Requirements.**

2             The requirements for submission, review and approval of all types of site  
3             plans shall be pursuant to the Land Subdivision and Development  
4             Ordinance and the Facilities Standards Manual. In addition to the  
5             submission requirements of the Facilities Standards Manual, the following  
6             materials shall be submitted as part of the initial submission for any type  
7             of site plan application, as applicable:

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9             (A)    The approved concept development plan, rezoning plat, or special  
10            exception plat;

11            (B)    The Copy Teste of the Board of Supervisors action on such plan or  
12            plat;

13            (C)    A copy of the approved proffers and/or special exception  
14            conditions;

15            (D)    A copy of any zoning determinations or modifications, FSM  
16            waiver letters, state and federal wetlands permits, and LSDO  
17            determination letters pertaining to the subject property.

- 1 (B) **Staff Review of Application. Referrals (6-1204 (A)).** Upon acceptance  
2 of the application, the Planning Director shall forward a copy of the  
3 application to the Department of Building and Development, the Zoning  
4 Administrator, and the Virginia Department of Transportation, and shall  
5 set the application for public hearing to be held at the first Planning  
6 Commission public hearing scheduled to occur after the sixtieth (60th)  
7 day following acceptance of the application.  
8  
9 (C) **Referral Responsibilities (6-1204 (B)).** Each reviewing agency shall,  
10 within thirty (30) calendar days of the receipt of a referral, prepare a staff  
11 report which sets out in writing its comments and recommendations and  
12 shall forward such report to the Director of Planning.  
13  
14 (D) **Review of Referrals (6-1204 (C)).** Referral comments shall be reviewed  
15 by the Director of Planning within fifty (50) days after an application has  
16 been accepted. The Planning Director shall forward to the applicant  
17 within five (5) working days of receipt of all referral comments and a  
18 written review of the issues raised by the application.  
19  
20 (E) **Hearing Before Board of Supervisors (6-1212).** No later than forty  
21 (40) calendar days after the Planning Commission public hearing, a duly  
22 noticed public hearing shall be held by the Board of Supervisors  
23 regarding an application for rezoning to the AR-2 District.

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25 **6-1216** **RR-1 and RR-2 District Rezoning - Special Provisions.** The following  
26 provisions of Division D: Special Development Approvals shall be modified as  
27 follows for applications to amend the zoning map to rezone property to the RR-1  
28 district for tracts less than 90 acres or to the RR-2 District for tracts less than 140  
29 acres:

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31 (A) **Pre-Application Conference (6-1203 (A)).** The pre-application  
32 conference is recommended but shall not be required.

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34 (B) **Staff Review of Application. Referrals (6-1204 (A)).** Upon acceptance  
35 of the application, the Planning Director shall forward a copy of the  
36 application to the Department of Building and Development, the Zoning  
37 Administrator, and the Virginia Department of Transportation, and shall  
38 set the application for public hearing to be held at the first Planning  
39 Commission public hearing scheduled to occur after the sixtieth (60th)  
40 day following acceptance of the application.

41  
42 (C) **Referral Responsibilities (6-1204 (B)).** Each reviewing agency shall,  
43 within thirty (30) calendar days of the receipt of a referral, prepare a staff  
44 report which sets out in writing its comments and recommendations and  
45 shall forward such report to the Director of Planning.  
46

1 (D) **Review of Referrals (6-1204 (C)).** Referral comments shall be reviewed  
2 by the Director of Planning within fifty (50) days after an application has  
3 been accepted. The Planning Director shall forward to the applicant  
4 within five (5) working days of receipt of all referral comments and a  
5 written review of the issues raised by the application.

6 (E) **Hearing Before Board of Supervisors (6-1212).** No later than forty  
7 (40) calendar days after the Planning Commission public hearing, a duly  
8 noticed public hearing shall be held by the Board of Supervisors  
9 regarding an application for rezoning to the RR-1 or RR-2 Districts.  
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## DIVISION G: CONSERVATION DESIGN

### ~~Section 6-2000—Conservation Design.~~

#### ~~6-2001 Purpose and Intent.~~ These provisions are intended to:

- ~~(A) Consider the resources on a site and surrounding areas and detail a process whereby development is designed around a property's natural and historic features.~~
- ~~(B) Conserve open land, including those areas containing unique and sensitive natural features such as rivers and streams and associated 100 year floodplains, karst features, very steep slopes, and areas required to be protected by applicable federal and state laws and regulations.~~
- ~~(C) Retain and protect existing environmental, natural, and heritage resources.~~
- ~~(D) Create a linked network of open spaces;~~
- ~~(E) Provide full density credit and allow for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences;~~
- ~~(F) Promote rural economy uses;~~
- ~~(G) Provide reasonable economic use of the property; and~~
- ~~(H) Impose, as necessary, conditions of approval to safeguard the public health, safety, and welfare.~~

#### ~~6-2002 Applicability and Exemptions.~~

~~(A) General.~~ The applicant shall follow the requirements in this Section 6-2000 and shall submit a conservation design plan preceding submittal of the applications specified in 6-2002(C). County approval of a conservation design plan is required prior to any land disturbing activity, except as exempted pursuant to Section 6-2002(C).

~~(B) Applicability—Zoning Districts.~~ The standards and procedures contained in this section shall apply only to the following zoning districts and applicable subdistricts as specified therein:

- ~~(1) AR-1 Agricultural Rural-1~~
- ~~(2) AR-2 Agricultural Rural-2~~
- ~~(3) TR-1 Transitional Residential-1~~

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- ~~(4) — TR 2 Transitional Residential 2~~
- ~~(5) — TR 3 Transitional Residential 3~~
- ~~(6) — TR 10 Transitional Residential 10~~
- ~~(7) — JLMA 1 Joint Land Management Area 1~~
- ~~(8) — JLMA 2 Joint Land Management Area 2~~
- ~~(9) — JLMA 3 Joint Land Management Area 3~~
- ~~(10) — JLMA 20 Joint Land Management Area 20~~
- ~~(11) — PD-CV Planned Development Countryside Village~~

~~(C) — **Applicability Development Applications.** The standards in this Section 6 2000 shall apply when the applicant is required to submit the following application types:~~

~~(1) — **Subdivision**, including preliminary subdivision plat, as set forth in Section 6 800, "Subdivision Approval," of the Zoning Ordinance and Chapter 1243, "Subdivision Procedures," of the Land Subdivision Development Ordinance (LSDO). Lots that have been reviewed and created pursuant to this Section 6 2000 shall not be required to go through the conservation design process again.~~

~~(2) — **Site plan**, as set forth in Section 6 700, "Site Plan Review," of the Zoning Ordinance and Chapter 1244, "Site Plan Procedures," of the LSDO unless the parcel subject to the site plan has already been reviewed and approved pursuant to this Section 6 2000.~~

~~(D) — **Exemptions.** This Section 6 2000 shall not apply to land disturbing activity or development of sites that are specifically exempt, as set forth in subsections (1) through (5) below:~~

~~(1) — **Single Family Dwelling on Existing Legal Lot.** A legal lot of record which lot was in existence on January 7, 2003 may be developed for a single family detached dwelling use. Development on such lot shall be subject to all other applicable standards in this Zoning Ordinance, including:~~

~~(a) — Section 4 1600, Mountainside Development Overlay District (MDOD);~~

~~(b) — Section 4 1900, Limestone Conglomerate Overlay District (LOD);~~

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(c) ~~Section 4 2000, River and Stream Corridor Overlay District (RSCOD);~~

(d) ~~Section 5 1508; Steep Slope Standards; and~~

(e) ~~All other applicable federal, state, or local regulations.~~

(2) ~~This exemption shall not apply to non-residential development. All non-residential development on a legal lot of record, which lot was in existence on January 7, 2003, shall be subject to this Section 6 2000.~~

(3) ~~**Agricultural Operations and Certain Rural Economy Uses.** This section shall not apply to agricultural operations that are covered by a Conservation Farm Management Plan, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices, nor shall it apply to certain rural economy uses listed below. Structures associated with agricultural operations are not exempt from environmental provisions; however, the following rural economy uses are exempt from Section 6 2000:~~

(a) ~~Agriculture;~~

(b) ~~Horticulture;~~

(c) ~~Animal Husbandry; and~~

(d) ~~Agricultural support and services directly associated with ongoing agricultural, horticulture, and animal husbandry activities on site.~~

(4) ~~**Timber Harvesting.** Timber harvesting shall be conducted only in conformance with a Forest Management Plan approved by both the Virginia Division of Forestry and the County.~~

(5) ~~**Route 28 Highway Transportation Improvement District.** Any property within the Route 28 Highway Transportation Improvement District shall be exempt from this Section 6 2000 unless the owner or developer of the property voluntarily requests that such procedures apply.~~

(6) ~~**Minor Land Disturbing Activities.** Activities that will disturb less than 5,000 square feet in area and less than 18 inches in depth and that are not required to obtain a building permit are exempt.~~

#### ~~**6-2003 Review Procedures/Administration.**~~

(A) ~~Conservation Design Plan Review Procedures.~~

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1                   ~~(1) General.~~ Any development application specified in Section 6-  
2                   2002(C) in the zoning districts designated in Section 6 2002(B)  
3                   shall require County approval of a conservation design plan. The  
4                   County shall grant approval for a conservation design plan only  
5                   upon compliance with the following provisions:

6                   ~~(a) The applicant shall submit a conservation design plan to the~~  
7                   County prior to or concurrently with the initial submission  
8                   for approval of any application type set forth in Section 6-  
9                   2002(C).

10                  ~~(b) The conservation design plan shall demonstrate compliance~~  
11                  with the standards established in this Section 6 2000.

12                  ~~(c) Deviation from the approved conservation design plan~~  
13                  without obtaining County approval shall require corrective  
14                  measures to be taken by the landowner to remedy the  
15                  discrepancy. The necessary corrections shall be made  
16                  within ten (10) working days from the date the landowner  
17                  is notified by the County of the deviation. Remediation  
18                  activities shall be required to restore and/or replace the  
19                  nonconforming areas to meet the County approved  
20                  conservation design plan. Delay of required remediation  
21                  activities beyond the ten (10) working day period shall  
22                  constitute a violation of this Zoning Ordinance, and is  
23                  punishable by fine as set forth in Section 6 500,  
24                  "Enforcement and Penalties."

25                  ~~(d) The Board of Zoning Appeals shall review any appeals~~  
26                  from determination by County staff or the Zoning  
27                  Administrator taken pursuant to the standards in this  
28                  Section 6 2000.

29                  ~~(2) Conservation Design Process.~~

30                  ~~(a) Step 1 Site Analysis Map.~~

31                   ~~(i) Contemporaneously with submission of any~~  
32                   application type set forth in Section 6 2002 (C), the  
33                   applicant shall prepare a site analysis map that  
34                   provides information about existing site conditions  
35                   and context, and that comprehensively analyzes  
36                   existing conditions both on the proposed  
37                   development site and on property within 500 feet of  
38                   the site. It is the intent of this section that the  
39                   information required to be presented in the site  
40                   analysis map be produced primarily from existing  
41                   sources, maps, and data.

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~~(ii) The applicant shall follow the site analysis map preparation requirements set forth in the Facilities Standards Manual.~~

~~(b) Step 2 Site Inspection:~~

~~(i) After submitting the site analysis map, the applicant shall schedule a site inspection of the property by the staff and shall provide copies of the draft site analysis map prior to the on site meeting. The purpose of this site visit is to:~~

- ~~1. Familiarize staff with the property's existing conditions and special features;~~
- ~~2. Identify potential site development issues; and~~
- ~~3. Provide an opportunity to discuss site development concepts, including the general layout of primary conservation areas, rural economy conservation lands, and open space as applicable, as well as potential locations for proposed structures, utilities, roads, and other development features. Comments made by officials or staff shall be interpreted as being only suggestive. No official decisions shall be made during the site inspection.~~

~~(ii) The applicant shall provide a permission form to allow staff to enter the property.~~

~~(iii) County staff shall schedule the site inspection within ten (10) days of site analysis map submittal and shall invite the applicant to participate in site inspection.~~

~~(c) Step 3 Conservation and Development Areas Map.~~

~~(i) The applicant shall prepare a map to identify primary conservation areas, rural economy conservation lands, and open space areas, as applicable, and the development delineation area (DDA), in accordance with the delineation requirements described in Section 6 2004, "Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas" below.~~

~~(d) Step 4 Conservation Design Plan.~~



(i) ~~The applicant shall follow submission requirements for a conservation design plan in accordance with the delineation requirements, described in Section 6-2004 below. The conservation design plan submittal shall include the following components:~~

- ~~1. Site Analysis Map;~~
- ~~2. Conservation and Development Areas Map;~~
- ~~3. Preliminary Site Improvements Plan, showing proposed site development, including minor utilities, roads, other development features, and lot lines, that includes the DDA; and~~
- ~~4. Preliminary studies and reports as required in other sections of the Zoning Ordinance and Facilities Standards Manual.~~

**~~6-2004 Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas.~~**

**~~(A) Primary Conservation Area Delineation.~~**

(1) ~~The applicant shall delineate "primary conservation areas" on a conservation and development areas map, based on the requirements set forth in the following sections of the Zoning Ordinance:~~

- ~~(a) Section 4-1600, Mountainside Development Overlay District (MDOD);~~
- ~~(b) Section 4-1905(B), Karst Feature Buffers within the Limestone Conglomerate Overlay District (LOD);~~
- ~~(c) Section 4-2000, River and Stream Corridor Overlay District (RSCOD);~~
- ~~(d) Section 5-1508(C)(2)(b), Very Steep Slope Areas ; and~~
- ~~(e) Areas required to be protected by applicable federal and state laws and regulations.~~

(2) ~~One hundred percent (100%) of the primary conservation areas shall be included in and credited against the rural economy conservation lands and/or open space requirements as applicable of the relevant zoning districts. However, if land in the primary conservation areas exceed the rural economy conservation lands an/or open space requirements, as applicable, such land shall be protected pursuant to the provisions of the applicable overlay districts and development standards.~~

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1       (B) ~~Rural Economy Conservation Lands Delineation (AR-1 and AR-2~~  
2       ~~only).~~ The applicant shall delineate rural economy conservation lands in  
3       the applicable AR zoning district. The total Rural Economy Conservation  
4       Lands to be set aside shall at a minimum be equal to the amount of  
5       property needed to satisfy the minimum zoning district open space  
6       requirement. However, if the amount of primary conservation areas  
7       required to be protected by this ordinance exceeds the applicable zoning  
8       district open space requirement, the primary conservation areas in their  
9       entirety shall be protected pursuant to the provisions of the applicable  
10      overlay zoning districts or development standards.

11      (C) ~~Open Space Delineation (all other districts).~~ The applicant shall  
12      delineate open space on the basis of the minimum percent open space  
13      required in each zoning district. The total open space required to be  
14      protected shall at a minimum be comprised of the sum of primary  
15      conservation areas and additional open space needed to satisfy the  
16      minimum zoning district open space requirements. However, if the  
17      amount of primary conservation areas required to be protected by this  
18      ordinance exceeds the applicable zoning district open space requirement,  
19      the primary conservation areas in their entirety shall be protected pursuant  
20      to the provisions of the applicable overlay districts and development  
21      standards.

22      (D) ~~Development Delineation Area (DDA).~~ After identifying the primary  
23      conservation areas, rural economy conservation lands, and/or open space  
24      on a site, as applicable, the applicant shall identify a DDA within which  
25      development may occur pursuant to Section 6-2006(B). DDA's may be  
26      multiple and non-contiguous on a site.

27      ~~6-2005 Conservation Areas and Open Space Permitted Uses and Activities.~~

28      (A) ~~Primary Conservation Areas.~~ Only the uses and activities permitted in  
29      the environmental overlay districts or very steep slope areas listed in  
30      Section 6-2004(A)(1) shall be permitted in primary conservation areas.

31      (B) ~~Rural Economy Conservation Lands (AR-1 and AR-2 Districts).~~  
32      Land disturbing activity as part of a development project or subdivision  
33      shall not occur in the designated rural economy conservation lands  
34      except for the following uses and activities:

35           (1) ~~Open space uses as set forth in the definition of "open space" in~~  
36           ~~Article VIII and the rural economy uses allowed as part of a~~  
37           ~~residential cluster option in the AR districts pursuant to Section 5-~~  
38           ~~703-(C)-(2)(a);~~

39           (2) ~~Conservation practices that protect or enhance the value(s) of the~~  
40           ~~resource;~~

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1                   ~~(3) Disturbance or construction activity in the rural economy~~  
2                   ~~conservation lands may occur with County approval, for the~~  
3                   ~~following additional limited purposes:~~

4                   ~~(a) Mitigation of development activities;~~

5                   ~~(b) Restoration of previously disturbed or degraded areas to~~  
6                   ~~enhance habitat values or other natural resource values;~~

7                   ~~(c) Construction of a trail or pedestrian walkway that will~~  
8                   ~~provide public access for educational purposes;~~

9                   ~~(d) Provision of individual septic systems or communal~~  
10                   ~~wastewater systems package sewage disposal systems~~  
11                   ~~when such systems cannot reasonably be contained within~~  
12                   ~~the DDA or other nearby developed areas;~~

13                   ~~(e) Provision of wells and water supply systems when such~~  
14                   ~~systems cannot reasonably be contained within the DDA or~~  
15                   ~~other nearby developed areas;~~

16                   ~~(f) Construction of stormwater management systems when~~  
17                   ~~such systems cannot reasonably be contained within the~~  
18                   ~~DDA or other nearby developed areas; and~~

19                   ~~(g) Utility installations and emergency public safety activities~~  
20                   ~~when such utilities and activities cannot reasonably be~~  
21                   ~~contained within the DDA or other nearby developed areas.~~

22                   ~~(i) Construction, installation, and maintenance of~~  
23                   ~~utilities shall comply with all applicable state and~~  
24                   ~~federal requirements and permits.~~

25                   ~~(ii) Utilities shall be designed and constructed in a~~  
26                   ~~manner that protects primary conservation areas.~~

27                   ~~(iii) No more land shall be disturbed than is necessary to~~  
28                   ~~provide for the proposed utility or activity.~~

29  
30                   ~~(C) **Open Space In the TR Districts.** Land disturbing activity as part of a~~  
31                   ~~development project or subdivision shall be limited in the delineated open~~  
32                   ~~space to the following uses and activities:~~

33                   ~~(1) Open space uses as set forth in the definition of "open space" in~~  
34                   ~~Article VIII and uses allowed in the open space as part of the~~  
35                   ~~residential cluster option in the TR Districts as set forth in Section~~  
36                   ~~5-701.~~

37                   ~~(2) Conservation practices that protect or enhance the value(s) of the~~  
38                   ~~resource;~~

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1                   ~~(3) Disturbance or construction activity in open space may occur with~~  
2                   ~~County approval, for the following additional limited purposes:~~

3                   ~~(a) Mitigation of development activities;~~

4                   ~~(b) Restoration of previously disturbed or degraded areas to~~  
5                   ~~enhance habitat values or other natural resource values;~~

6                   ~~(c) Construction of a trail or pedestrian walkway that will~~  
7                   ~~provide public access for educational purposes;~~

8                   ~~(d) Provision of individual septic systems or communal~~  
9                   ~~wastewater systems package sewage disposal systems~~  
10                   ~~when such systems cannot reasonably be contained within~~  
11                   ~~the DDA or other nearby developed areas;~~

12                   ~~(e) Provision of wells and water supply systems when such~~  
13                   ~~systems cannot reasonably be contained within the DDA or~~  
14                   ~~other nearby developed areas;~~

15                   ~~(f) Construction of stormwater management systems when~~  
16                   ~~such systems cannot reasonably be contained within the~~  
17                   ~~DDA or other nearby developed areas; and~~

18                   ~~(g) Utility installations and emergency public safety activities~~  
19                   ~~when such utilities and activities cannot reasonably be~~  
20                   ~~contained within the DDA or other nearby developed areas.~~

21                   ~~(i) Construction, installation, and maintenance of~~  
22                   ~~utilities shall comply with all applicable state and~~  
23                   ~~federal requirements and permits.~~

24                   ~~(ii) Utilities shall be designed and constructed in a~~  
25                   ~~manner that protects primary conservation areas.~~

26                   ~~(iii) No more land shall be disturbed than is necessary to~~  
27                   ~~provide for the proposed utility or activity.~~

28  
29                   ~~(D) Open Space (all other districts). Land disturbing activity as part of a~~  
30                   ~~development project or subdivision shall be limited in the delineated open~~  
31                   ~~space to the following uses and activities:~~

32                   ~~(1) Open space uses as set forth in the definition of "open space" in~~  
33                   ~~Article VIII.~~

34                   ~~(2) Conservation practices that protect or enhance the value(s) of the~~  
35                   ~~resource;~~

36                   ~~(3) Disturbance or construction activity in open space may occur with~~  
37                   ~~County approval, for the following additional limited purposes:~~

38                   ~~(a) Mitigation of development activities;~~

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- 1                   (b) ~~Restoration of previously disturbed or degraded areas to~~  
2                   ~~enhance habitat values or other natural resource values;~~
- 3                   (c) ~~Construction of a trail or pedestrian walkway that will~~  
4                   ~~provide public access for educational purposes;~~
- 5                   (d) ~~Provision of individual septic systems or communal~~  
6                   ~~wastewater systems package sewage disposal systems~~  
7                   ~~when such systems cannot reasonably be contained within~~  
8                   ~~the DDA or other nearby developed areas;~~
- 9                   (e) ~~Provision of wells and water supply systems when such~~  
10                  ~~systems cannot reasonably be contained within the DDA or~~  
11                  ~~other nearby developed areas;~~
- 12                  (f) ~~Construction of stormwater management systems when~~  
13                  ~~such systems cannot reasonably be contained within the~~  
14                  ~~DDA or other nearby developed areas; and~~
- 15                  (g) ~~Utility installations and emergency public safety activities~~  
16                  ~~when such utilities and activities cannot reasonably be~~  
17                  ~~contained within the DDA or other nearby developed areas.~~
- 18                      (i) ~~Construction, installation, and maintenance of~~  
19                      ~~utilities shall comply with all applicable state and~~  
20                      ~~federal requirements and permits.~~
- 21                      (ii) ~~Utilities shall be designed and constructed in a~~  
22                      ~~manner that protects primary conservation areas.~~
- 23                      (iii) ~~No more land shall be disturbed than is necessary to~~  
24                      ~~provide for the proposed utility or activity.~~

25   **~~6-2006 Conservation Design Standards.~~**

26           (A) ~~Configuration of Primary Conservation Areas, Rural Economy~~  
27           ~~Conservation Lands, and Open Space Areas~~ The applicant shall  
28           ~~configure, rural economy conservation lands (in the AR 1 and AR 2~~  
29           ~~districts), and open space (in non AR 1 and AR 2 districts) in a manner to:~~

- 30                   (1) ~~Conform with adopted open space and trail plans, where~~  
31                   ~~applicable;~~
- 32                   (2) ~~Provide contiguity with other open space, agricultural lands, and~~  
33                   ~~conservation areas both on and off site, except that maintaining~~  
34                   ~~contiguity with agricultural lands is not necessary in non-~~  
35                   ~~agricultural districts;~~
- 36                   (3) ~~Protect unique site features and resources;~~

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1                   (4) ~~Provide a minimum buffer width of 100 feet from adjacent public~~  
2                   ~~parkland, within which no new structures shall be constructed, nor~~  
3                   ~~shall any clearing of forests take place.~~

4                   (5) ~~Provide a minimum buffer width of 100 feet from existing~~  
5                   ~~agricultural activities in agricultural districts; and~~

6                   (6) ~~Avoid fragmentation of primary conservation areas.~~

7                   (B) ~~Development Delineation Area (DDA) Configuration.~~ The applicant  
8                   shall configure the DDA according to the following criteria:

9                   (1) ~~In all cases the DDA shall be located outside of all primary~~  
10                  ~~conservation areas. In addition, for all subdivision applications, the~~  
11                  ~~DDA shall be located outside the designated Rural Economy~~  
12                  ~~Conservation Lands and the open space area, as applicable. The~~  
13                  ~~DDA may be multiple and non contiguous on a site and shall~~  
14                  ~~indicate the specific area(s) of a site within which:~~

15                  (a) ~~Land disturbing activity, including clearing and grading,~~  
16                  ~~shall be contained;~~

17                  (b) ~~Ingress and egress for development may be provided;~~

18                  (c) ~~"Building envelope(s)" of sufficient size to permit~~  
19                  ~~reasonable use of the property shall be located; and~~

20                  (d) ~~Wells and septic systems are appropriately located based on~~  
21                  ~~required hydrogeologic testing, and in accordance with~~  
22                  ~~applicable requirements in Chapter 8 of the Facilities~~  
23                  ~~Standards Manual.~~

24                  (2) ~~Field Designation.~~ The DDA shall be designated in the field prior  
25                  ~~to commencement of excavation, grading, or construction with~~  
26                  ~~construction barrier fencing or other methods approved by staff.~~

27                  (C) ~~Roads, Driveways, Minor Utilities.~~ The applicant shall align roads,  
28                  ~~driveways, and minor utilities according to standards set forth in the~~  
29                  ~~Facilities Standards Manual and the following criteria:~~

30                  (1) ~~The road plan shall provide vehicular access to each house.~~

31                  (2) ~~The alignment of roads, driveway, and minor utilities shall~~  
32                  ~~minimize impacts on primary conservation areas.~~

33                  (D) ~~Pedestrian and Maintenance Access.~~ Pedestrian and maintenance  
34                  ~~access to commonly owned open space, if any, shall be provided in~~  
35                  ~~accordance with the following requirements:~~

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1                   ~~(1) For commonly owned open space, as defined in the Zoning~~  
2                   ~~Ordinance, each neighborhood or cluster shall provide at least one~~  
3                   ~~centrally located access point per fifteen (15) lots. The access~~  
4                   ~~easement shall be a minimum of thirty five (35) feet wide.~~

5                   ~~(2) Pedestrian access to conservation land or open space used for~~  
6                   ~~agriculture or rural economy uses may be appropriately restricted~~  
7                   ~~for public safety and to prevent interference with agricultural~~  
8                   ~~operations or rural economy use.~~

9                   ~~(3) Pedestrian access to primary conservation areas may be~~  
10                   ~~appropriately restricted to protect resources.~~

11                   ~~(E) Density/Intensity Calculations.~~

12                   ~~(1) The gross land area located within any portion of a required~~  
13                   ~~primary conservation area shall be included as part of the total land~~  
14                   ~~area for purposes of calculating the permitted floor area and~~  
15                   ~~number of residential units in the underlying zoning district and~~  
16                   ~~open space. Development of the floor area and number of~~  
17                   ~~residential units allowed in the underlying zoning district shall~~  
18                   ~~occur in the DDA.~~

19                   ~~(2) Up to 100% of density that would be allowed on the gross land~~  
20                   ~~area of the subject property shall be located within the DDA~~  
21                   ~~portions of the same property. Lot size and dimensions shall~~  
22                   ~~comply with applicable zoning district cluster subdivision~~  
23                   ~~standards if a cluster subdivision is being developed.~~

24                   ~~**6-2007 Reasonable Economic Use of Property.** It is the intent of this Section 6-~~  
25                   ~~2000 that landowners be provided a reasonable economic use of property. If~~  
26                   ~~the requirements of this Section deny all reasonable economic use of property,~~  
27                   ~~a landowner may seek a variance in accordance with Section 6-1607,~~  
28                   ~~"Standards for Variances," of this Zoning Ordinance.~~

29                   ~~**6-2008 Ownership and Maintenance of Rural Economy Conservation Lands and**~~  
30                   ~~**Open Space.**~~

31                   ~~(A) **Restriction on Future Subdivision and Development.** All primary~~  
32                   ~~conservation areas, rural economy conservation lands, and open space~~  
33                   ~~delineated as part of the conservation design process shall be permanently~~  
34                   ~~restricted from future subdivision and/or development, as applicable,~~  
35                   ~~through an easement granted to Loudoun County.~~

36                   ~~(B) **Ownership Options.** The applicant shall propose measures or methods~~  
37                   ~~for long term ownership of rural economy conservation lands and open~~  
38                   ~~space areas. The methods that may be used, include but are not limited to~~  
39                   ~~fee simple dedication to the County with county approval, ownership by a~~

homeowner association, retention of ownership by the developer or owner, or transfer of title to a private conservation organization.

~~(C) Management and Maintenance of Rural Economy Conservation Lands and Open Space Areas.~~

~~(a) Unless otherwise agreed to by the County or unless the land is dedicated to the County, the cost and responsibility of maintaining conservation areas and open space areas shall be borne by the property owner, condominium/homeowner association, conservation organization, or other entity as identified pursuant to Section 6-2008 (B), above.~~

~~6-2009 Incentives and Flexibility.~~

~~(A) Incentives for Resubmission and Redesign of Existing Approved But Undeveloped Subdivisions. For the purpose of encouraging the resubmittal and redesign of existing approved but undeveloped subdivisions in the AR, TR, and JLMA zoning districts that do not meet the purposes or standards of the Environmental Overlay Districts (MDOD, LOD, RSCOD) and Steep Slope regulations, and principles of Conservation Design, the County may grant the following incentives to an applicant:~~

~~(1) Allow the full number of lots achievable under the approved subdivision plat to be located within the Designated Development Area by allowing lot sizes to be reduced below the minimum required in the underlying zoning district.~~

~~(2) Reduce the applicable zoning district open space requirement by twenty five percent (25%).~~

~~(3) Allow a full credit against the applicable open space requirement for all primary conservation areas, including RSCOD.~~

~~(4) A reduction or elimination of applicable zoning district dimensional standards, including but not limited to height, lot width, yards, lot coverage, and buffers/setbacks.~~

~~(5) Use of the Rural Economy Conservation Lands or open space areas as applicable, may be allowed pursuant to underlying zoning districts.~~

~~(B) Zoning District Flexibility Provisions. For all development subject to the requirements of Conservation Design, certain zoning district dimensional and development standards may be modified as provided below to provide flexibility in achieving the purposes of this section and~~

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1 compliance with the Environmental Overlay District (RSCOD, LOD, and  
2 MDOD) and Steep Slope requirements:

3 ~~(1) Minimum Lot Size: No minimum.~~

4 ~~(2) Minimum Lot Width: No minimum.~~

5 ~~(3) Minimum Yards:~~

6 ~~(a) Residential: No minimum~~

7 ~~(b) Nonresidential (minimum):~~

8 ~~(i) Front: 15 feet~~

9 ~~(ii) Side: 9 feet Rear:~~

10 ~~(iii) Rear: 15 feet~~

11 ~~(4) Height (maximum): 45 feet (residential); 55 feet, without~~  
12 ~~additional setbacks being required (nonresidential)~~

13 ~~(5) Parking (nonresidential only): Twenty five percent (25%)~~  
14 ~~reduction in the required off street parking space requirement as~~  
15 ~~set forth in Section 5-1102.~~

16 ~~(6) Buffering and Screening. To the extent necessary to~~  
17 ~~accommodate the density/intensity of development allowed in the~~  
18 ~~underlying zoning district, the Zoning Administrator may waive or~~  
19 ~~reduce the buffer yard requirements set forth in Section 5-1400~~  
20 ~~upon a showing that the building and/or yard has been designed to~~  
21 ~~minimize adverse impacts through a combination of architectural,~~  
22 ~~landscape, and/or design techniques.~~

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